

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Application No. 10/763,376)	
)	
Filed:	January 23, 2004)	Confirmation No. 7589
)	
Applicants:	Andrew HALLIDAY et al.)	
)	
Title:	METHOD FOR THE PREPARATION OF BEVERAGES)	These Comments on Statement of Reasons for Allowance were electronically filed on July 7, 2009 using EFS-Web.
)	
Art Unit:	1794)	
)	
Examiner:	Anthony J. WEIER)	
)	
)	
Date of Notice of Allowance, PTOL-85:	May 15, 2009)	
)	
)	
Attorney Docket:	1410/67640)	
)	
Customer No.:	48940)	

Mail Stop ISSUE FEE
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

In response to the Notice of Allowance And Fee(s) Due mailed May 15, 2009, and in view of the Supplemental Notice of Allowability mailed June 26, 2009, the Applicants respectfully submit that the term "claim 1" should be replaced with the term "claim 2" in each instance under the "Examiner's Reasons for Allowance", and should therefore read:

In view of Applicant's remarks in the Appeal Brief, it was determined that incorporating the limitations of claim 4 into claim 2 would put the application in condition for allowance. The prior art of record neither

Application No. 10/763,376

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE dated July 7, 2009

Reply to Notice of Allowance and Fee(s) Due of May 15, 2009

Supplemental Notice of Allowability mailed June 26, 2009

discloses nor teaches such invention as claimed in modified claim 2. In particular, in conjunction with Applicant's convincing arguments regarding the claims on pages 7-11 of the Appeal Brief filed 2/11/09 it should be noted that Fanzutti does not teach preparation of a coffee using two cartridges that are used consecutively with removal of the first cartridge before applying the second cartridge. There would be no motivation to apply consecutive use of cartridges as called for in the instant claims.

The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Dated: July 7, 2009

/Eric D. Misfeldt/
Eric D. Misfeldt
Registration No. 59,527

120 South LaSalle Street, Suite 1600
Chicago, Illinois 60603-3406
Telephone (312) 577-7000
Facsimile (312) 577-7007
539036